

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE DIVISION**

LARRY BRANNUM and NECOLE)	
BRANNUM, as next friend and)	
guardians for CHELSEY BRANNUM,)	
et al.,)	
))	
Plaintiffs,))	
))	
v.))	NO. 2:03-0065
))	JUDGE HAYNES
OVERTON COUNTY SCHOOL BOARD,)	
WILLIAM NEEDHAM, ROBERT)	
JOLLY, MELINDA BEATY,)	
EDUTECH, INC., JERRY GLASSCOCK,)	
DAVID LANGFORD, DOLPHUS DIAL,)	
JOEY SMITH, LENARD LEDBETTER,)	
EDITH KEY, DONALD BROWN,)	
MELODY WILLIAMS, TIM COFFEE,)	
MICHELLE THRASHER, JOHN DOES)	
1-10, and JOHN DOES 11-20,)	
))	
Defendants.))	

ORDER

In accordance with the Memorandum filed herewith, it is hereby **ORDERED** on the motions before the Court: that

- (1) that the Defendant Edutech, Inc.'s motion for summary judgment on Plaintiffs' § 1983 claim for its lack of state action status (Docket Entry No. 77) is **DENIED**;
- (2) that the Defendant Edutech, Inc.'s motion for summary judgment on Plaintiffs' state law claims is **DENIED without prejudice** (Docket Entry No. 86);
- (3) that Defendants Michelle Williams Thrasher, Lenard Ledbetter and Dolphus Dial's motion for summary judgment on all claims (Docket Entry No. 92) is **GRANTED** and Plaintiffs' federal law claims are **DISMISSED with prejudice**;
- (4) that the Overton County Defendants' motion for summary judgment on all claims (Docket Entry No. 94) is **DENIED**;

(5) that the Plaintiffs' cross motion for partial summary judgment on Edutech's § 1983 claim (Docket Entry No. 99) is **DENIED**; and

(6) that the Overton County Defendants' motion for the Court to abstain from exercising its jurisdiction. (Docket Entry No. 105) is **DENIED**.

The Plaintiffs' state law claims against all Defendants are **DISMISSED without prejudice** to pursue in the pending state court action.

Counsel for the parties have ten (10) days from the date of entry of this Order to submit an Agreed Order for a conference to discuss further proceedings in this action.

It is so **ORDERED**.

ENTERED this the 20th day of June, 2006.


WILLIAM J. HAYNES, JR.
United States District Judge